

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4397 of 2018

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Umesh Prasad Yadav Son of late Rajendra Prasad Yadav Resident of Village-
Baguwaha, P.S. Raniganj, District Araria, Authorised Transport and Handling
Agent B.S.F.C. Araria.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary Food and Civil Supply
Department, Government of Bihar, Patna
2. The Bihar State Food and Civil Supplies Corporation Ltd. through its
Managing Director, Bihar, Patna
3. The Managing Director, Bihar State Food and Civil Supplies Corporation
Ltd. Bihar, Patna.
4. The Deputy Chief Transport , Bihar State Food Corporation Ltd. Bihar,
Patna.
5. The District Magistrate, Araria.
6. The District Supply Officer, Araria.
7. The District Manager, Bihar State Food Corporation Ltd. Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kumar Ravish, Advocate Mr. Sanjay Kumar Sharma, Advocate
For the State	:	Mr. Bijoy Kr. Sinha, AC to AAG 5
For BSFC	:	Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 24-03-2023

Heard learned counsels for the respective parties.

2. In the instant petition, petitioner has prayed for the
following relief/reliefs:

“That this is an application for issuance
of Writ or Writs, Order or Orders, Direction or



Directions for quashing the order contained in letter no.3254 dated 06.04.2017 issued by Managing Director Food and Civil Supply Corporation Ltd, Bihar Patna whereby and whereunder letter no. 733 dated 25.01.2017 had been decided and the order of punishment contained in letter no. 3502 dated 16.03.2016 has been contained.”

3. Short question for consideration in the present petition is while proposing with a show cause notice for blacklisting the petitioner, the concerned authority proposed as to why petitioner shall not be blacklisted for five years. Thereafter, while passing impugned order, proceeded to blacklist the petitioner for indefinite period. Such action of the concerned authority in blacklisting the petitioner for indefinite period is contrary to Hon’ble Apex Court’s decision in the case of **M/s Chauhan Builders, Raibareli vs. State of Uttar Pradesh & Ors., SLP(C) No. 32840 of 2018 (2022 LiveLaw (SC) 694)**.

4. Further, if five years blacklisting period is taken with reference to show cause notice, that period has already spent its force as on today. In the light of these facts and circumstances, impugned action of indefinite period is set aside while converting the indefinite period of blacklisting to that of five years as proposed in the show cause notice dated 07.03.2017.



5. With the above observation, writ petition stands disposed of.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

